IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 24471 of 2007(L)

PETITIONERS:

1. UNITED SCIENTIFIC & EDUCATIONAL SUPPLIERS PVT.LTD., REPRESENTED BY ITS MANAGING DIRECTOR ABRAHAM JOHN, SANTHINAGAR SHOPPING COMPLEX, THIRUVANANTHAPURAM.

2. ABRAHAM JOHN, S/O.JOHN, MANAGING DIRECTOR, UNITED SCIENTIFIC & EDUCATIONAL SUPPLIES PVT.LTD HALL NO.3 & CELLAR NO.8, SANTHI NAGAR SHOPPING COMPLEX, THIRUVANANTHAPURAM.

BY ADV. SRI.M.RAMASWAMY PILLAI
SRI.P.K.JOSEPH

RESPONDENTS:

1. GOVERNMENT OF KERALA, REPRESENTED BY ITS SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. KERALA STATE HOUSING BOARD, SANTHI NAGAR, TRIVANDRUM, REPRESENTED BY ITS SECRETARY.

3. THE COMPETENT AUTHORITY, OFFICE OF THE COMPETENT AUTHORITY, TRIVANDRUM HOUSING UNIT, HOUSING BOARD BUILDING, SANTHI NAGAR, THIRUVANANTHAPURAM.

4. SRI.SYRIAC JOSEPH, TANDEM PLAYER, SANTHI NAGAR SHOPPING COMPLEX, THIRUVANANTHAPURAM.

BY ADV. POOVAPPALLY M.RAMACHANDRAN NAIR,SC.KSHB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/08/2007, ALONG WITH WP(C) NO.24479/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) Nos. 24471 & 24479 OF 2007

Dated this the 20th day of August, 2007

J U D G M E N T

The petitioners challenge proceedings initiated by the Kerala State Housing Board for evicting the petitioners from Shop No. 6, Hall No.3 and Cellar No.8 in the Santhi Nagar Shopping Complex. The contention of the petitioners is that although they were not the original lessees of the above shop rooms, they have been conducting business there for the last 15 years and they have been paying the rent also directly. However, the petitioners could not produce any tangible evidence to show that they have been so accepted as lessees by the Housing Board. In fact, the notices now issued which are under challenge in these writ petitions are issued to the original lessee, namely Sri.Cyriac Joseph. In so far as the petitioners could not satisfy me that the Housing Board has in fact accepted the petitioners as lessees, I am not inclined to entertain

these writ petitions. However, the learned counsel for the petitioners now submits that they may be given some breathing time to find out alternate accommodation and to vacate the premises in question.

2. Having heard the Standing Counsel for the Board also, I dispose of these writ petitions with a direction to respondents 2 and 3 to grant the petitioners two months' time to vacate the premises in question. It would be open to the petitioners to approach the respondents for regularisation of their occupation if they are in fact occupying the same and the disposal of these writ petitions will not stand in the way of respondents 2 and 3 from considering such requests of the petitioners if the same can be granted in accordance with law.

Sd/-
S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED: -08-2007